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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Lotspiech)	Art Unit: 2136
)	
Serial No.: 09/609,809)	Examiner: Colin
)	
Filed: July 3, 2000)	ARC9-2000-0063-US1
)	
For: FAULT INTOLERANT CIPHER CHAINING)	January 27, 2005
)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

DECLARATION UNDER RULE 131

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

I, Jeffrey Bruce Lotspiech, declare as follows:

I am the original and sole inventor of the invention claimed in the above-captioned application.

I have worked in the encryption field at IBM for approximately 12 years. I hold approximately 50 patents. My title currently is Research Staff Member.

I have reviewed the response to the Office Action dated December 16, 2004. It is a very accurate analysis of Shimizu. To that analysis and by way of further explanation, I add the following.

Shimizu's goal is to avoid having to pad the last block of plaintext in a block cipher - a goal that is not relevant to the present invention. In Shimizu, there is quite a bit of complexity, much of it evidently not completely necessary. Nonetheless, if you look at Figure 8 in Shimizu, which shows the chaining mode, the basic elements are standard, fault tolerant, cipher block chaining links. There is no concept in Shimizu of inverting the order of the

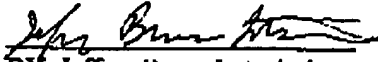
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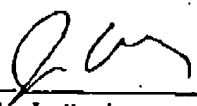
PATENT
Filed: July 3, 2000

chaining loop and the inner block loop, which is the essence of, to give but one example, Claim 11 and also which is the result of the specific steps of Claim 8.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.


BY: Jeffrey Bruce Lotspiech
date: 1/26/05

Respectfully submitted,


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JLR:jg

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